

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN RE:

AMENDMENT TO THE LOCAL RULES
OF CIVIL PROCEDURE,

2003-MISC-6

ORDER AMENDING LOCAL RULES 37.1 AND 37.2

It is hereby;

ORDERED that the changes to Local Rules 37.1 and 37.2 shall become effective on **January 1, 2006**. Some of the suggestions and comments are incorporated in the new rule. The new rule and sample stipulation are attached to this Order.

ENTER:

Dated: October 28, 2005

_____/s/_____
RAYMOND L. FINCH
CHIEF JUDGE

Dated: October 26, 2006

_____/s/_____
CURTIS V. GOMEZ
DISTRICT JUDGE

ATTEST:
WILFREDO MORALES
Clerk of Court

By:_____
Deputy Clerk

Effective January 1, 2006.

This Local Rule supersedes the current Rule 37.1 and 37.2.

Fed. R. Civ. P. 37. Failure to Make Disclosure or Cooperate in Discovery; Sanctions

L.R. 37.1 *Pre-Filing Conference of Counsel.* Prior to the filing of any motion relating to discovery pursuant to Fed. R. Civ. P. 26-37, counsel for the parties shall confer in a good faith effort to eliminate the necessity for hearing the motion or to eliminate as many of the disputes as possible. It shall be the responsibility of counsel for the moving party to arrange for this conference. To the extent practicable, counsel are encouraged to meet in person at a mutually convenient location. If, in the consideration of time and/or resources, counsel agree that meeting in person is not practicable, the conference may take place telephonically or electronically. Unless relieved by written order of the Court upon good cause shown, the conference shall be completed within twenty (20) calendar days after the moving party serves a letter requesting such conference. The moving party's letter shall identify each issue and/or discovery request in dispute, shall state briefly with respect to each such issue/request the moving party's position (and provide any legal authority which the moving party believes is dispositive of the dispute as to that issue/request), and specify the terms of the discovery order to be sought.

L.R. 37.2 *Moving Papers.* If counsel are unable to settle their differences, they shall formulate a written stipulation. The stipulation shall be filed and served with the notice of motion briefly stating (1 to 2 paragraphs) the basis for the motion.

L.R. 37.2(a) *Form of Joint Stipulation.* The stipulation must be set forth in one document signed by both counsel. The stipulation shall contain all issues in dispute and, with respect to each such issue, the contentions and points and authorities of each party. The stipulation shall not refer the Court to any other documents. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions as to that particular interrogatory, separately stated. If the allegations made in a prior filing are relevant, a copy of that prior filing

should be attached as an exhibit. The specification of the issues in dispute, and the parties' contentions and points and authorities with respect to such issues, may be preceded by an introductory statement from each party, provided that no party's introductory statement shall exceed three (3) pages in length. When a party states its contentions with respect to a particular issue, such party shall also state how it proposed to resolve the dispute over that issue at the conference of counsel. Each party's contention with respect to each issue should not exceed two (2) pages, absent leave of Court.

L.R. 37.2(b) Preparation of Joint Stipulation. Within five (5) court days following the conference of counsel, counsel for the moving party shall provide counsel for the opposing party with the moving party's portion of the stipulation. Unless the parties agree otherwise, counsel for the opposing party shall deliver or fax to counsel for the moving party the opposing party's portion of the stipulation within five (5) court days of receipt of the moving party's draft. After the opposing party's portion is added to the document by the moving party's counsel, the stipulation shall be provided to opposing counsel, who shall sign it and return it to counsel for the moving party, within three (3) business days, so that it can be filed with the notice of motion.

L.R. 37.2(c) Supplemental Memorandum. After the Joint Stipulation is filed, each party may file a supplemental memorandum of law not later than ten (10) days after the filing of the joint stipulation and motion. Unless otherwise ordered by the Court, a supplemental memorandum shall not exceed three (3) pages in length. No other separate memorandum of points and authorities shall be filed by either party in connection with the motion.

L.R. 37.2(d) Failure to File Joint Stipulation. The Court will not consider any discovery motion in the absence of a joint stipulation or a declaration from counsel for the moving party establishing that opposing counsel:

- (1) failed to confer in a timely manner in accordance with L.R. 37.1;
- (2) failed to provide the opposing party's portion of the joint stipulation in a timely manner in accordance with L.R. 37.2(b); or
- (3) refused to sign and return the joint stipulation after the opposing party's portion was added.

L.R. 37.3 *Cooperation of Counsel - Sanctions*. The failure of any counsel to comply with or cooperate in the foregoing procedures may result in the imposition of sanctions.

SAMPLE STIPULATION

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

)	
)	
Plaintiff,)	
)	
v.)	2005-CV-0000
)	
Defendant.)	
)	
)	
)	
_____)	

**JOINT STIPULATION REGARDING PLAINTIFF'S MOTION TO COMPEL
DEFENDANT TO RESPOND TO PLAINTIFF'S INTERROGATORIES NOS. 1-10**

I. INTRODUCTORY STATEMENTS

A. Plaintiff's Introductory Statement

(NO MORE THAN THREE PAGES)

B. Defendant's Introductory Statement

(NO MORE THAN THREE PAGES)

II. ISSUES IN DISPUTE (Arranged by Issue)

A. Issue No. 1 (Disputed Interrogatories Nos. 1-5)

Interrogatory No. 1

(Interrogatory repeated verbatim)

Response to Interrogatory No. 1

(Response to Interrogatory repeated verbatim)

Interrogatory No. 2

(Interrogatory repeated verbatim)

Response to Interrogatory No. 2

(Response to Interrogatory repeated verbatim)

Interrogatory No. 3

(Interrogatory repeated verbatim)

Response to Interrogatory No. 3

(Response to Interrogatory repeated verbatim)

Interrogatory No. 4

(Interrogatory repeated verbatim)

Response to Interrogatory No. 4

(Response to Interrogatory repeated verbatim)

Interrogatory No. 5

(Interrogatory repeated verbatim)

Response to Interrogatory No. 5

(Response to Interrogatory repeated verbatim)

1. **Attempts to Resolve the Dispute as to Issue No. 1 (Interrogatories Nos. 1-5)** (Note the parties attempt to resolve the dispute may instead be a subheading immediately under their separate contentions below)

- a. **Plaintiff's Attempt to Resolve the Dispute as to Issue No. 1 (Interrogatories Nos. 1-5)**

- b. **Defendant's Attempt to Resolve the Dispute as to Issue No. 1 (Interrogatories Nos. 1-5)**

2. **Plaintiff's Contentions and Points and Authorities as to Issue No. 1 (Interrogatories Nos. 1-5)**

(NO MORE THAN TWO PAGES)

3. **Defendant's Contentions and Points and Authorities as to Issue No. 1 (Interrogatories Nos. 1-5)**

(NO MORE THAN TWO PAGES)

- B. **Issue No. 2 (Disputed Interrogatories Nos. 6-10)**

Interrogatory No. 6

(Interrogatory repeated verbatim)

Response to Interrogatory No. 6

(Response to Interrogatory repeated verbatim)

Interrogatory No. 7

(Interrogatory repeated verbatim)

Response to Interrogatory No. 7

(Response to Interrogatory repeated verbatim)

Interrogatory No. 8

(Interrogatory repeated verbatim)

Response to Interrogatory No. 8

(Response to Interrogatory repeated verbatim)

Interrogatory No. 9

(Interrogatory repeated verbatim)

Response to Interrogatory No. 9

(Response to Interrogatory repeated verbatim)

Interrogatory No. 10

(Interrogatory repeated verbatim)

Response to Interrogatory No. 10

(Response to Interrogatory repeated verbatim)

1. Attempts to Resolve the Dispute as to Issue No. 2

(Interrogatories Nos. 6-10) (Note the parties attempt to resolve the dispute may instead be a subheading immediately under their separate contentions below)

a. Plaintiff's Attempt to Resolve the Dispute as to Issue No. 2 (Interrogatories Nos. 6-10)

b. Defendant's Attempt to Resolve the Dispute as to Issue No. 2 (Interrogatories Nos. 6-10)

2. Plaintiff's Contentions and Points and Authorities as to Issue No. 2 (Interrogatories Nos. 6-10)

(NO MORE THAN TWO PAGES)

3. Defendant's Contentions and Points and Authorities as to Issue No. 2 (Interrogatories Nos. 6-10)

(NO MORE THAN TWO PAGES)

III. CONCLUSIONS

A. Plaintiff's Conclusion

B. Defendant's Conclusion

DATED:

Plaintiff's Attorney's
Signature

DATED:

Defendant's Attorney's
Signature